

APPEAL NO. 022092  
FILED SEPTEMBER 26, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 15, 2002. The hearing officer determined that the compensable injury sustained by the appellant (claimant) on \_\_\_\_\_, extends to and includes chest and abdomen contusions; that the compensable injury does not extend to and include right carpal tunnel syndrome (CTS); and that the claimant had disability from August 31, 2002 through September 11, 2001. On appeal, the claimant contends that the determinations that he did not have disability after September 11, 2001, and that the compensable injury does not extend to and include right CTS are against the great weight and preponderance of the evidence. The respondent (carrier) urges affirmance.

DECISION

We affirm.

The claimant argues on appeal that the hearing officer erred in denying his request to add "additional issue regarding [Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 124.3] Rule 124.3 and waiver per Downs" (Continental Casualty Co. v. Downs, (Case No. 00-1309)). An issue not taken up at a benefit review conference and that is not added by the agreement of the parties may be added as set out in Rule 142.7(e) upon a finding of good cause by the hearing officer. That rule sets out a procedure for seeking addition of the issue not later than 15 days prior to the hearing. In the present case, the claimant's request to add an additional issue was received by the Commission on July 11, 2002, four days prior to the hearing. Under these circumstances, the hearing officer did not abuse his discretion in declining to add the waiver issue.

The hearing officer did not err in determining that the claimant's compensable injury does not include right CTS and that he did not have disability from September 12, 2001, through the date of the hearing. Extent of injury and disability are factual questions for the hearing officer to resolve. We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the self-insured is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Margaret L. Turner  
Appeals Judge